

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MARTHA THURMOND,

PLAINTIFF,

v.

CREDIT CONTROL, LLC,

DEFENDANT.

CASE NO. 4:19-cv-04610

AFFIDAVIT OF PATRICK A. WATTS

STATE OF MISSOURI §
 §
COUNTY OF ST. LOUIS §

BEFORE ME, the undersigned authority, on this day personally appeared PATRICK A. WATTS, known to me to be the person whose name is subscribed on this instrument and, having been first duly sworn, upon his oath deposes and states as follows:

1. My name is PATRICK A. WATTS. I have been admitted to appear in this case per the Court's Order granting my *Motion to Appear Pro Hac Vice* entered on January 27, 2020. Doc. 12. I have been a licensed attorney in the State of Missouri since 2009, and I have been a licensed attorney in the State of Illinois since 2010. I am admitted to practice before the following U.S. District Courts: 1) Eastern District of Missouri, 2) Western District of Missouri, 3) Northern District of Illinois, 4) Central District of Illinois, 5) Southern District of Illinois, 6) Northern District of Indiana, 7) Southern District of Indiana, 8) Western District of Arkansas, 9) Eastern District of Arkansas, 10) Western District of Oklahoma, 11) Eastern District of Wisconsin, 12) Western District of Wisconsin, and 13) Western District of Michigan. I am also licensed to practice in front of the Second, Seventh, and Eighth Court of Appeals.

2. I am a Partner at the firm of Malone Frost Martin PLLC. I oversee the firm's offices located in Chicago, Illinois and St. Louis, Missouri. I primarily practice in civil defense work with a focus on the Federal Fair Debt Collection Practices Act, the Telephone Consumer Protection Act, and other similar consumer statutes. I have defended many clients under each of these statutes from pre-litigation all the way through final appeal.

3. I am the lead counsel for Defendant Credit Control, LLC in this matter, and, in this capacity, I have personal knowledge of the matters set forth in this affidavit. As lead counsel, I

have personally managed the work done for this case. All work done for this case was conducted myself or by other attorneys and paralegals at my request and under my supervision.

4. This case is being handled by Malone Frost Martin PLLC on a straight time basis. As such, each attorney or paralegal is required to keep accurate records as to their hours worked and all expenses incurred in the litigation of this matter. I am familiar with the average, customary, and reasonable hourly rates charged in this Houston, Texas by attorneys with my experience and the experience of the attorneys and paralegals in my firm. My rate is \$175.00. The rate for all attorneys for this matter is \$175.00 per hour. The rate for all paralegals for this matter is \$100.00 per hour.

5. The time records for attorneys and paralegals at Malone Frost Martin PLLC are entered and maintained electronically through Sage Timeslips. All attorneys and paralegals keep their own billing records. Thus, the entries are made at or near the time of the events that they describe by a person with knowledge of the matters contained therein. These billing records are made and kept in the ordinary course of business and as part of the regularly conducted business activity of Malone Frost Martin PLLC.

6. Attached to this affidavit are the contemporaneously kept timesheets that detail the time and expenses incurred by my firm from the beginning of this case through January 31, 2020. Based on the attached, Defendant's attorneys' fees are totaled at \$1,885.00.

7. Furthermore, I have continued to keep record of my time between February 1, 2020 and now. During this time, I have billed a total of 1.2 hours.

8. Additionally, based on the attached, my firm incurred expenses in the amount of \$1.80 for photocopies, all of which were necessarily obtained for use in the case.

9. The factors that I considered in determining the reasonableness of the attorney's fees included:

- a. the time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal service properly (there were no unique issues in this case, so time and labor was standard);
- b. the likelihood that the acceptance of the particular employment will preclude other employment by the lawyer (issue is not applicable);
- c. the fee customarily charged in the locality for similar legal services (my fees have been shown to be lower than average);
- d. the amount involved and results obtained in the controversy (if Plaintiff is found to be the prevailing party in this case, they are entitled to their attorneys' fees per the FD CPA);
- e. the time limitation imposed by the client or the circumstances (there is no issue of particular note);

- f. the nature and length of the professional relationship with the client (Plaintiff has been a client with my firm for over six (6) years);
- g. the experience, reputation and ability of the lawyers performing the service (has been addressed in this affidavit); and
- h. whether the fee is fixed or contingent on results obtained or uncertainty of collection before the legal services have been rendered (this case is on an hourly fixed fee).

10. Incorporating paragraphs 6 through 9 herein, Defendant incurred \$2,096.80 in reasonable attorneys' fees and costs in defending this matter.

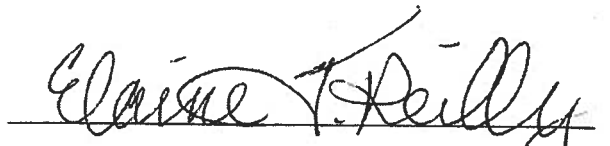
11. It is my opinion that the attorney's fees and costs sought in the amount of \$2,096.80 are reasonable and within the range of usual and customary fees charged in and around Houston, Texas and the U.S. District Court for the Southern District of Texas.


Name: Patrick Watts

Title: Attorney

SWORN TO AND SUBSCRIBED before me, a Notary Public, on this the 21st day of

February, 2020.


Notary Public in and for the State of MO

My Commission Expires: ELAINE T. REILLY
My Commission Expires
October 10, 2021
St. Louis County
Commission #13536680



Malone Frost Martin PLLC

8750 N. Central Exprwy.
Suite 1850
Dallas, TX 75231
Tax ID: 81-3944520

Invoice submitted to:
Credit Control, LLC
Attention: [REDACTED]

December 31, 2019

In Reference To: Martha Thurmond v. Credit Control, LLC
170-0014

Invoice #30469

Professional Services

			<u>Hours</u>	<u>Amount</u>
12/2/2019	PAW	Initial evaluation and Motion to Dismiss evaluation; Call with JR.	0.20	35.00
	PAW	Execution of wavier; Case evaluation memorandum.	0.20	35.00
	PAW	Research [REDACTED] per JR instruction.	0.80	140.00
	PAW	Tax consequence FDCPA research 5th Circuit.	0.70	122.50
12/3/2019	PAW	Communicate to JR regarding [REDACTED]	0.10	17.50
12/5/2019	LJP	Draft Pro Hac Vice motion for Patrick Watts.	0.30	30.00
12/15/2019	PAW	Motion to Dismiss case law review; Analysis; Preparation of case law memorandum to JR for inclusion in draft Motion to Dismiss.	0.40	70.00

For professional services rendered

5.20 \$887.50

Balance due

\$887.50

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Lucas Peterson (LJP)	0.30	100.00	\$30.00
Patrick A. Watts (PAW)	2.40	175.00	\$420.00

Malone Frost Martin PLLC

8750 N. Central Exprwy.
Suite 1850
Dallas, TX 75231
Tax ID: 81-3944520

Invoice submitted to:
Credit Control, LLC
Attention: [REDACTED]

January 31, 2020

In Reference To: Martha Thurmond v. Credit Control, LLC
170-0014

Invoice #30869

Professional Services

			<u>Hours</u>	<u>Amount</u>
1/22/2020	CW	Receive email from client regarding [REDACTED] [REDACTED]	0.10	17.50
	CW	Respond to client.	0.10	17.50
1/23/2020	CW	Receive two emails from client regarding [REDACTED]	0.20	35.00
	CW	Respond to client regarding [REDACTED]	0.10	17.50
	CW	Receive email from client with times available today to speak.	0.10	17.50
	CW	Confirm with client time that works.	0.10	17.50
	CW	Review Complaint.	0.20	35.00
	CW	Review letter at issue.	0.10	17.50
	CW	Review motion to dismiss.	0.40	70.00
	CW	Phone call with client regarding [REDACTED]	0.50	87.50
	CW	Draft/edit/revise motion to dismiss per client request.	3.10	542.50
	CW	Draft proposed order.	0.30	52.50
	CW	Send motion and proposed order to client.	0.10	17.50
1/24/2020	CW	Receive email from client regarding [REDACTED]	0.10	17.50
	CW	Confirm with client that [REDACTED]	0.10	17.50
	CW	Clean up/finalize motion.	0.50	87.50

Credit Control, LLC

Page 2

			<u>Hours</u>	<u>Amount</u>
1/24/2020	CW	Review Judge's standing orders.	0.20	35.00
	CW	Phone call with client regarding [REDACTED]	0.10	17.50
	CW	Confer with opposing counsel per court requirement.	0.10	17.50
	CW	Put together pre-motion letter per court requirement.	1.30	227.50
	CW	Send final Motion to Dismiss back to client per request.	0.10	17.50
1/25/2020	CW	Receive confirmation that Plaintiff opposed motion to dismiss.	0.10	17.50
1/27/2020	CW	Finalize pre-motion letter for filing today.	0.20	35.00
For professional services rendered			8.20	\$1,435.00

Additional Charges :

1/31/2020 Photocopies, 12 @ \$.15 each.

1.80

Total additional charges**\$1.80****Total amount of this bill****\$1,436.80****Previous balance****\$887.50**

Balance due

\$1,436.80

Timekeeper Summary

Name	Hours	Rate	Amount
Cooper Walker (CW)	8.20	175.00	\$1,435.00

Malone Frost Martin PLLC

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January 31, 2020

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170-0014

	<u>Amount</u>
Previous balance	\$1,436.80
Balance due	<u><u>\$1,436.80</u></u>